

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONTRELL L. GORDON,

Plaintiff,

v.

Case No. 19-CV-1583

DR. BONNIE MITCHELL, *et al.*,

Defendants.

ORDER

Plaintiff Dontrell L. Gordon is Wisconsin state prisoner representing himself in this civil rights lawsuit. On March 26, 2020, the state defendants¹ filed a motion for summary judgment, arguing that Gordon failed to exhaust his administrative remedies. (ECF No. 13.) The court issued a notice, informing Gordon that his response would be due April 27, 2020 and outlining what he needed to do to properly respond to the motion. (ECF No. 17.) Gordon has filed a motion to extend the amount of time that he has to respond to the state defendants' motion—citing the effects the COVID-19 pandemic has had on his institution—and to amend his damages demand. (ECF No. 19.)


¹ The Wisconsin Department of Justice did not accept service on defendant Dr. Bonnie Mitchell's behalf. (ECF No. 11.) Therefore, the motion for summary judgment was filed only on behalf of defendants Sylvia Bergelin and Mary Jo Trunnell, who the court will refer to as the state defendants. The summons, complaint, and screening order have been transmitted to the United States Marshals Service for service on Dr. Mitchell. (ECF No. 22.)

Recently, Chief Judge Pamela Pepper issued a general public order granting the Wisconsin Department of Justice's *ex parte* motion to extend deadlines due to the extraordinary circumstances created by the COVID-19 pandemic. That order applies to all cases brought by Wisconsin Department of Corrections inmates and extends deadlines that either fall within the time period that the Governor's Safer at Home Order is in effect or are within 15 days after the date Governor's Order expires. The general order extends those deadlines 45 days after the Safer at Home Order expires. Currently, the Safer at Home order is in effect until May 26, 2020, so Gordon's April 27 deadline to respond to the summary judgment motion falls within the general order. Therefore, in accordance with Chief Judge Pepper's order, Gordon's motion is granted with respect to his request for more time to respond to summary judgment. His materials in response to the state defendants' motion for summary judgement are due 45 days after the Governor's Safer at Home Order expires.

As for Gordon's motion to amend his damages demand, his request is unnecessary. The specific amount of damages to which he is entitled will be determined if and when the defendants are found liable. He has asked for money damages, and that is enough. The court denies this portion of his motion.

IT IS THEREFORE ORDERED that Gordon's motion for extension of time and to amend his demand is **GRANTED in part and DENIED in part**. Gordon's response to the state defendants' motion for summary judgment is due 45 days after the governor's Safer at Home order expires. Gordon's request to amend his damages demand is unnecessary and, therefore, denied.

Dated in Milwaukee, Wisconsin this 28th day of April, 2020.


WILLIAM E. DUFFIN
U.S. Magistrate Judge